



# Lake County Coastal Plan Committee Minutes

## February 27, 2013

The Lake County Coastal Plan Committee hereby finds and determines that all formal actions were taken in an open meeting of the Lake County Coastal Plan Committee and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Boyd called the meeting to order at 6:00 p.m. at the Lake County Planning Commission conference room in Painesville, Ohio. Visitors welcomed were Mr. Jason Sarosy from Willoughby, Ms. Jackie Hrnyak from the Eastlake City Council, Dr. Robert Barr of Chapel Road, Madison, and Mr. Rob Sidley of the Painesville Township Park District.

### ATTENDANCE

The following members were present: Messrs. Advey, Alexander, Buescher, Bruckman (alt for Martin), Cain, Cicero, Klco, Martin, Reichard, Scruggs (alt. for Cardina), Stephenson, Webster, Welch, Zeitz and Mmes. Brennan and Quinn-Hopkins. Staff present: Mr. Boyd and Ms. Myers.

### MINUTES

Mr. Cain moved to approve the November 28, 2012 minutes as submitted and Mr. Scruggs seconded the motion.

Fifteen voted "Aye".  
Mr. Welch abstained.

### OLD BUSINESS

#### Stanton Park, Madison Township

Mr. Advey and Mr. Boyd are working together on the shoreline component at Stanton Park along with the Port Authority on financing. They have looked at it from a geotechnical standpoint in regards to what can be done there. They are looking not just at the toe, but the drainage that is seeping out at the face. Mr. Boyd has yet to review a report that was just received.

#### U.S. Army Corps of Engineering Issues

The Army Corps of Engineers issues concerning the lack of consistencies and the impact it was having on projects moving forward was discussed. Elected Officials are hesitant to do anything predominantly because of the new rule by the Corps that, if you put it in, you will have to pay for taking it out if they make that determination. They are asking that you put funds aside to adhere to that requirement. After talking to local officials, they say it almost stops the development from their perspectives because most communities do not have the fiscal ability to build the infrastructure let alone set aside funds to take it out.

This Committee had asked Mr. Boyd to write a letter to the Corps requesting an audience with some key officials. After collaborating with Mr. Allen and writing the letter, they met with Mr. DiSanto at Congressman Joyce's office and the letter was sent to the Corps under the Congressman's letterhead. Mr. Boyd received a call right away and he is working on setting up a meeting in Buffalo at the end of March to include himself, a Port Authority representative, and some other key attendees. He told the Corps that we want to play by their rules, but consistency is an issue and we are seeking an explanation as to why things have changed so dramatically over the past couple years. The Regulatory Chief and the Monitoring Chief are tentatively to be at this meeting. If there are legitimate concerns from the regulatory standpoint that Mr. Boyd can bring to the table, he asked the members to let him know as soon as possible.

Discussions of some of the member's concerns were as follows:

- The Buffalo District seems to be a lot more restrictive than most other Corps divisions.
- We need to present the Corps with some science behind issues or nothing will be done in a timely manner.
- We need to bring expertise in to help work with the Buffalo Corps.

Dr. Robert Barr, a Madison Township neighbor directly west of Stanton Park who has lost a considerable amount of property, had received a Corps letter asking him to put in 260 cubic yards of sand because his property is now hard in structure and will no longer deposit any more of his property into the Lake. He has spent \$150,000 to get his property shored up and to get the permit approved. He said the Corps is threatening legal action if this is not done.

- It was mentioned at a Buffalo Corps meeting with North Perry Village last Wednesday that there are some states along the eastern seaboard where they have a law that you cannot protect your property.

Madison Township has been told by the Corps that they will have to bypass 2,496 cubic yards of sand. They bypassed officially 2,700 cubic yards right after it was built. It came back in short order. The property owners to the east of them have more sand on their beach than they have had in years and, it is not from what Madison Township moved, it is from the littoral drift bringing it in and the lake action.

- Further east, at Mariner's Point, they have been ordered to move 2,000 cubic yards of sand even though they have more sand on the beaches and more sand in the water than the surveys said.
- North Perry Village moved 18,000 cubic yards in 2010; 30,000 in 2011; and 40,000 in 2012. They have spent an average of \$350,000 to dredge and all the required reports. They cannot continue to do this.
- It was suggested those needing sand could possibly buy sand from the Fairport Harbor dredge if it is brought right up to the shore.
- We should ask the Corps if they had any standards for getting additional information.
- Consider getting engaged with one of the universities along the lakefront to do some additional research and do something to make stronger arguments.

- Stop looking at individual projects instead of a community economic development forum.
- We need our politicians to assist us. We need someone over the Corps to give instructions to them to be followed. Otherwise, we will get the same answers and results.

Mr. Boyd said Mr. Afaelbaum used the term “locally preferred plan”, but he would use the term of an expert witness where someone comes in on a third-party basis, exams our 30 mile stretch of lakefront, and tries to put some data together focusing on the littoral system.

Mr. Klco said North Perry Village may be getting some of this information shortly. Due to the lawsuit with the people east of them, their insurance firm hired a highly respected engineering firm recognized at the Buffalo Corps. Between them and our engineering firm, they are hoping to get some of those answers. They may have this information within the next six months.

Messrs. Allen, Boyd and Loftus will be meeting in March with the Army Corps of Engineers. Mr. Boyd said our document (Coastal Development Plan) has been known for a number of years and it was time to take it out and look at its successes and failures and solicit some funds, probably through the Port Authority, to update that. Maybe looking at this locally preferred plan and authoring it with a keen eye to the Corps in either helping or deflating what they think is right or wrong would provide us some leverage.

- It was suggested to see if there were any other entities that had problems like these and how they got over that kind of hurdle. Mr. Boyd said he would attempt to find that information.
- It was decided Mr. Boyd will draft a letter or resolution of support that the communities involved in this Committee could use to show their support to take to the Corps. These may be taken to Congressman Joyce and Senators Portman and Brown too.

Dr. Barr stated this regulation was made in March of 2012 and anyone permitting after that date will be asked to do the same thing he has been requested to do figured by frontage.

## **NEW BUSINESS**

### City of Eastlake

Ms. Quinn-Hopkins commented on the Chagrin River project and stated that Mark Kline came to visit a couple times from MKSK Studios in Columbus, the firm who got the planning contract for Erie Road Park. He will come back in a couple weeks and have some concrete drawings for us to review. The entire River Committee will come together again and discuss that. They are still waiting to see if they are going to receive the \$200,000 brownfield study grant. Ms. Brennan added that there will be a public component to that process. A design display will be open to the public and publically advertised meetings will be included for Eastlake residents and others in communities who may come and use the facility.

Mr. Boyd officially welcomed Ms. Quinn-Hopkins as a new member representing the Eastlake City Council and Chair of the River Committee.

### **Community Updates:**

Madison Township – Larry Advey – Everything has already been discussed.

North Perry Village – Ed Klco - The Corps did agree at their meeting that, if we wanted to close off the west end, they would consider it. We will have to prefill 8,500 cubic yards of sand if it is closed off. We are considering closing the east side also. He has sent the information to Council to be discussed at the next meeting. They spent \$150,000 last year for a wider roadway so they could dredge by land. The closure of the west end would make it cheaper to dredge.

Mentor-on-the-Lake – Al Buescher - There was no new development.

Fairport Harbor Port Authority – Michael Scruggs - They are very familiar with dredging land facilities depending on the wind direction and they intend to dredge this year with the assistance of an ODNR grant. This is not in the Grand River, which is dredged by the Corps of Engineers, which deposits sand further east. This is only within the harbor area. This sand is placed at the other end of the beach. There is a twist however. The 10 year dredging permit that allowed us to do this needs to be renewed. Because their harbor is significantly opened on the east end, when there are northeasterns, the sand actually gets pushed into the boat ramp. He reminded everyone that Radio Disney will be coming to the beach in June.

Mentor Harbor Yacht Club – Chuck Stephenson – He stated they were getting ready to dredge their channel again in the spring. It did not appear that they got a lot of sand this year. In the past two years, they have only had to dredge about 7-10,000 cubic yards. An average year would have about 20,000 cubic yards. They are experiencing an unusual low sand movement. They heard that they had made the cut for the Corps study. They release the dredge right on the beach.

Perry Township – Mark Welch - Everything is on hold. They want to do offshore barriers, but are holding back because of the regulatory rules.

City of Mentor – Abe Bruckman – Mentor applied for a permit from ODNR for essentially a large beach party to be at Headlands Beach Park in July. We want to utilize the beach asset. Most visitors are day visitors from Cuyahoga and Lake Counties. They have talked to some of their neighbors to try to put together a collaborative plan to identify where physical linkages could be completed. They are discussing bike trails and pedestrian access in a group process for a plan that identifies the links between the communities that wrap around Headlands that can improve themselves. They are planning to get this set up in advance so they will be ready when the funding opportunity is available.

Mr. Bruckman was asked if he could comment on the plans for the sewage pipe across the Marsh. Lake County Utilities is at the discussion stage trying to get additional easements through the properties with current sewer lines. They have most of these easements in place,

but there are a few holdouts. They cannot move forward until they have easement agreements with all the property owners along the current alignment.

Mr. Zeitz explained that there was a line that goes from Mentor Headlands to the Lake County Sewage Plant near the Lagoons that has been leaking into the Marsh consistently for years. Last year there was a big spill, but there is a plan to replace that line.

Mr. Boyd said he could attest to the fact that the Utilities Department is actively working on this. The Department was planning to meet with various stakeholders and landowners trying to incorporate trails to attempt to look at everything at once while we are in there.

Eastlake Port Authority – Mark Cain – They put in a 130 foot retainer wall that has been very successful in protecting the South island, which the Port Authority owns in a joint venture with Lake Metroparks. It has actually deflected the water along the property so it's helped with the dredging. It is really deep in the channel. The community at Chagrin Harbor Beach has some serious erosion problems and is in need of help. He has noticed a lot of problems with dikes and walls put in earlier by the Corps. They are looking for direction on how to fix these problems before there is a catastrophe. The Army Corps put it in but has no responsibility in the care and uptake. The City really does not want to get involved with it. This area is at Lake level at best.

Chagrin Watershed Partners – Amy Brennan - The City of Willoughby applied for an ODNR grant to improve some of the trails in Osborn Sunset Park per their Master Plan. There is some Lake access planned in this Plan, but the City has not yet pushed these plans ahead.

She announced that the Western Reserve RC&D Council is having a workshop on *"Tackling Lake Erie Issues: What communities are being asked to do."* On Tuesday, March 12, 2013 at the Northeast Ohio Regional Sewer District (NEORS) environmental Maintenance Service Center on 49<sup>th</sup> Street in Cuyahoga Heights. This community forum is aimed at raising awareness of the pollution sources, potential costs, and preventative measures that can protect the lake. Discussion topics will focus on current efforts for pollution reduction, research tools, current thinking in best management practices, potential funding sources and ongoing education and outreach. It is designed for community leaders. There will be excellent food.

Painesville Township Resident – Darrell Webster – Everything has been addressed.

Mr. Boyd said he would get a draft support resolution out to everyone to pursue with their community leaders. He offered to come out to a community if needed to talk to the councils, trustees or whoever.

## **Adjournment**

Mr. Scruggs moved to adjourn the meeting and Mr. Klco seconded the motion.

All voted "Aye".

The next meeting will be held on Wednesday, May 22, 2013.